IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 25220 of 2007(B)

PETITIONER:

ST.BERCHMANS COLLEGE,CHANGANASSERY
REPRESENTED BY ITS PRINCIPAL DR.STEPHEN MATHEW.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,KOTTAYAM.

4. MAHATMA GANDHI UNIVERSITY,PRIYADARSINI HILLS,P.O. KOTTAYAM REPRESENTED BY ITS REGISTRAR.

BY GOVT. PLEADER SRI. A.J. VARGHESE
SRI. T.A. SHAJI, SC, M.G. UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 25220 OF 2007

Dated this the 20th day of August, 2007

J U D G M E N T

Petitioner, who is stated to be the Principal of an Aided College, is aggrieved by the inaction on the part of the Government and the University in refusing to nominate their representatives to the selection committee to complete the process of selection and appointment of Lecturers in the College where two vacancies exist. It is pointed out by the petitioner that the two vacancies-one each in Mathematics and Malayalam-had arisen about two years ago. Neither the Government nor the University did bother to respond to the request made by the management to nominate their representatives. It appears that the University was reluctant to send its nominees in view of Ext.P7 order issued by the Government, as could be seen from Ext.P6.

2. Having regard to the facts and circumstances, I am of the view that the Government and the University are bound to send their representatives. Undoubtedly, the Director of Collegiate Education is entitled to find out whether there is sufficient work load warranting sanction of posts. Similarly the University has to fix the staff strength on the basis of the work load. It is only after such verification that the University is bound to grant approval. If that be the position, I do not find any reason why the two authorities have to drag their feet when a request is made by the

management to send the nominees to the selection committee. In any view of the matter, the refusal to nominate their representatives to the selection committee indefinitely, cannot be justified. Of course, the Government and the University can reject the request of the management to grant sanction for creation of posts if it is found that there is no sufficient work load. But these are all matters to be considered at a later stage.

Therefore the writ petition is disposed of with a direction to respondents 1 and 4 to nominate their respective representatives to the selection committee, if such a request is made in the prescribed format as contemplated in the order issued by Government in the year 1999. The representatives shall be nominated, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. Though the management will be at liberty to complete the selection process, appointment shall be made only after getting requisite sanction from the authority concerned. A decision in this regard shall be taken by the Government and the University, as expeditiously as possible, at any rate, within two months from the date of completion of the selection process.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007